

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**ROBIN GLACE, MARGARET KINNAMON,  
SHERRY MCCANE and DIXIE SEMANS,**

**Plaintiffs,**

**v.**

**INTERNAL MEDICINE OF BRIDGEVILLE,  
a sole proprietorship operating in the State of  
Delaware, KENNETH R. SMITH, M.D.,  
individually as sole proprietor of Internal  
Medicine of Bridgeville**

**Defendants.**

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**C.A. NO.:06-767**

**Trial by Jury Demanded**

**NOTICE OF DEPOSITION**

TO: Martin D. Haverly, Esquire  
Two East Seventh Street, Suite 201  
Wilmington, DE 19801

**PLEASE TAKE NOTICE** that counsel for the Defendants will take the depositions of the below named in the law office of Liguori, Morris & Yiengst, 46 The Green, Dover, DE 19901 at the dates and times indicated.

<b><u>DEPONENT</u></b>	<b><u>DATE</u></b>	<b><u>TIME</u></b>
Dr. Lynn Romano	November 8, 2007	1:00 p.m.
Dinah Stayton	November 8, 2007	3:00 p.m.
Anita Orendorf	November 8, 2007	3:45 p.m.

**LIGUORI, MORRIS & YIENGST**

By: /s/ James E. Liguori, Esquire  
JAMES E. LIGUORI  
Delaware Bar ID No. 415  
46 The Green

Dover, Delaware 19901  
[jliguori@lmylaw.com](mailto:jliguori@lmylaw.com)  
(302) 678-9900  
Attorney for Defendants

Dated: October 22, 2007

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**ROBIN GLACE, MARGARET KINNAMON,  
SHERRY MCCANE and DIXIE SEMANS,**

**Plaintiffs,**

**v.**

**INTERNAL MEDICINE OF BRIDGEVILLE,  
a sole proprietorship operating in the State of  
Delaware, KENNETH R. SMITH, M.D.,  
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**Defendants.**

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**C.A. NO.:06-767**

**Trial by Jury Demanded**

**CERTIFICATE OF SERVICE**

I, James E. Liguori, being a member of the Bar of Court, do hereby certify that on October 22, 2007 I caused the foregoing Notice of Depositions to be delivered via CM/ECF e-filing and first class mail postage prepaid to the following:

Martin D. Haverly, Esquire  
Two East Seventh Street, Suite 201  
Wilmington, DE 19801

**LIGUORI, MORRIS & YIENGST**

By: /s/ James E. Liguori, Esquire  
JAMES E. LIGUORI  
Delaware Bar ID No. 415  
46 The Green  
Dover, Delaware 19901  
[jliguori@lmylaw.com](mailto:jliguori@lmylaw.com)  
(302) 678-9900  
Attorney for Defendants

Dated: October 22, 2007

AO88 (Delaware Rev. 7/00) Subpoena in a Civil Case

Issued by the  
UNITED STATES DISTRICT COURT

Robin Glace, Margaret  
Kinnamon, Sherry McCane and  
Dixie Semans

DISTRICT OF DELAWARE

SUBPOENA IN A CIVIL CASE

V.  
Internal Medicine of Bridgeville, a sole  
proprietorship operating in the State of

Case Number:<sup>1</sup> 06-767

Delaware, Kenneth R. Smith, M.D., individually as sole proprietor of Internal Medicine of Bridgeville

TO: Dr. Lynn Romano  
224 Glenloch Lane  
Houston, DE 19954

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

- ☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION Liguori, Morris & Yiengst 46 The Green, Dover, DE 19901	DATE AND TIME Thursday, Nov. 8, 2007 @ 1:00 p.m.
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- ☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME
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- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Attorney for Defendants	DATE
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER James E. Liguori, Esquire, 46 The Green, Dover, DE 19901 (302) 678-9900	

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

AO88 (Delaware Rev. 7/00) Subpoena in a Civil Case

## PROOF OF SERVICE

DATE		PLACE	
SERVED		224 Glen Loch Lane	
Dr. Lynn Romano		Houston, DE 19954	
SERVED ON (PRINT NAME)		MANNER OF SERVICE	
her husband		Richie Romano @ Residence @ 3:45pm Fri 10/12/07	
SERVED BY (PRINT NAME)		TITLE	
John M. Perry		Director of Investigations, SSI	
DECLARATION OF SERVER			

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 10-12-07  
DATE

John M. Perry  
SIGNATURE OF SERVER  
SSI P.O. Box 130  
ADDRESS OF SERVER  
Marydel, DE 19964

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance,

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

## (B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

## (d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO88 (Delaware Rev. 7/00) Subpoena in a Civil Case

Issued by the  
**UNITED STATES DISTRICT COURT**

Robin Glace, Margaret  
 Kinnamon, Sherry McCane and  
 Dixie Semans

DISTRICT OF DELAWARE

**SUBPOENA IN A CIVIL CASE**

V.  
 Internal Medicine of Bridgeville, a sole  
 proprietorship operating in the State of

Case Number:<sup>1</sup> 06-767

Delaware, Kenneth R. Smith, M.D., individually as sole proprietor of Internal Medicine of Bridgeville

**TO: Dinah Stayton**  
 20781 Conrail Road  
 Bridgeville, DE 19933

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION Liguori, Morris & Yiengst 46 The Green, Dover, DE 19901	DATE AND TIME Thursday, Nov. 8, 2007 @ 3:00 p.m.
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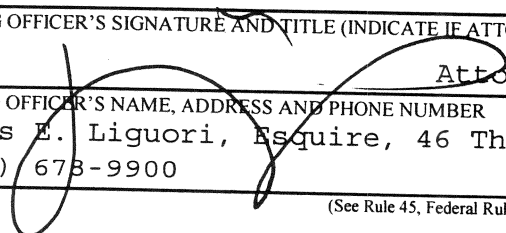
☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) <div style="text-align: center;">         Attorney for Defendants     </div>	DATE
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER James E. Liguori, Esquire, 46 The Green, Dover, DE 19901 (302) 678-9900	

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.



AO88 (Delaware Rev. 7/00) Subpoena in a Civil Case

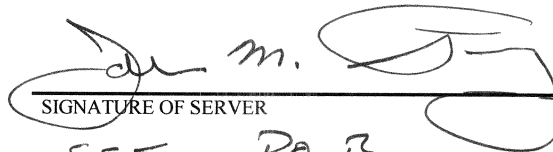
## PROOF OF SERVICE

DATE	PLACE
	20781 CONRAIL RD BRIDGEVILLE, DE 19933
SERVED	DINAH STAYTON
SERVED ON (PRINT NAME)	MANNER OF SERVICE
her husband FRANK STAYTON	hand to hand @ 2:57 PM Friday 10/12/07
SERVED BY (PRINT NAME)	TITLE
John M. PERRY	DIRECTOR OF INVESTIGATIONS, SSI

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 10-12-07 @ 2:57 PM  
DATE

  
SIGNATURE OF SERVER  
SSI PO Box 130  
ADDRESS OF SERVER  
Marydel, DE 19964

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance,

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

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(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

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AO88 (Delaware Rev. 7/00) Subpoena in a Civil Case

Issued by the  
UNITED STATES DISTRICT COURT

Robin Glace, Margaret  
Kinnamon, Sherry McCane and  
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DISTRICT OF DELAWARE

SUBPOENA IN A CIVIL CASE

V.  
Internal Medicine of Bridgeville, a sole  
proprietorship operating in the State of

Case Number:<sup>1</sup> 06-767

Delaware, Kenneth R. Smith, M.D., individually as sole proprietor of Internal Medicine of Bridgeville

TO: Anita Faye Orendorf  
1307 Holly Brook Apt.  
Laurel, DE 19956

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

Liguori, Morris & Yiengst 46 The Green, Dover, DE 19901

DATE AND TIME

Thursday, Nov. 8, 2007 @ 3:45 p.m.

- ☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Defendants

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

James E. Liguori, Esquire, 46 The Green, Dover, DE 19901  
(302) 678-9900

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.



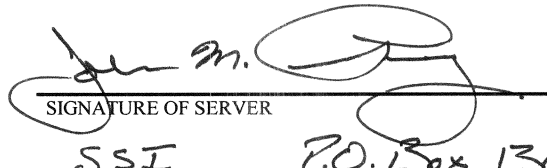
AO88 (Delaware Rev. 7/00) Subpoena in a Civil Case

## PROOF OF SERVICE

DATE		PLACE	
		1307 Holly Brook APT Laurel, DE 19956	
SERVED			
ANITA FAYE ORENDORF			
SERVED ON (PRINT NAME)		MANNER OF SERVICE	
Anita Faye Orendorf		Hand to Hand @ 9:12 PM Fri 10/12/07 @ Above Residence	
SERVED BY (PRINT NAME)		TITLE	
John M. Perry		Director of Investigations S.S.I.	
DECLARATION OF SERVER			

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_  
DATE

  
SIGNATURE OF SERVER  
SSI P.O. Box 130  
ADDRESS OF SERVER  
Marydel, DE 19964

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

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